



Appeal Decision

Site visit made on 19 April 2024

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2024

Appeal Ref: APP/X5990/W/23/3335869

2 Southwick Place, City of Westminster, London W2 2TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A S Al-Khayareen against the City of Westminster Council.
 - The application Ref 23/06482/FULL, is dated 19 September 2023.
 - The development proposed is an extension to dwelling to create an additional floor.
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Decision

1. The appeal is dismissed and planning permission for the extension to dwelling to create an additional floor is refused.

Procedural Matters

2. Subsequent to the submission of the planning application to which this appeal relates, the National Planning Policy Framework has been revised. I have therefore made my decision with regard to the National Planning Policy Framework (December 2023) (the Framework).

Main Issue

3. Based on the submitted policies, the Framework, my site visit and the representations from the appellant, the Council, consultees and other third parties, I find that the main issues are the effect of the proposed development on the character and appearance of the appeal dwelling and that of the local area, with reference to the Bayswater Conservation Area (the CA).

Reasons

4. The appeal dwelling is a two storey house with additional lower ground and mansard floors and is located at the corner of Southwick Place and Radnor Place, with frontages facing onto both these streets. It forms part of a coherent contextual 1930's development of similarly designed properties that form a symmetrical approach and setting to St Johns Church Hyde Park Crescent. This part of the CA follows the original street pattern and mirrors the scale of the earlier buildings in the CA, drawing on a distinctly English classical architectural language. In this regard, the development of which the appeal dwelling forms part contributes to the significance of the CA, which rests in its cohesive townscape made up of developments of a variety of ages.

5. In line with the duty imposed on me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to the desirability of preserving or enhancing the character or appearance of the CA.
6. The proposal is to replace the existing mansard with a new second floor, which would replicate much of the elevational design of the existing first floor. A new mansard is proposed above this new second floor, which would appear to generally replicate the form and scale of the existing mansard, but with fewer dormer windows. The proposed additional storey would result in the height of the appeal dwelling being just below that of that part of the 1930's development that fronts onto Hyde park Crescent. It would also, however, result in the appeal dwelling being a storey taller than the other dwellings in the 1930's development that front onto Southwick Place and Radnor Place.
7. I note that the appeal proposal appears to be similar to earlier proposals for an additional floor to be added to the appeal dwelling, for which planning permission¹ was refused. I have, however, considered the appeal proposal on its own individual merits, which is a main tenet of the planning system.
8. The proposed additional floor would not maintain the existing hierarchy of taller buildings fronting onto Hyde Park Crescent and St. Johns Church, with lower buildings leading away into Southwick Place and beyond. As such, the proposal would significantly alter the visual relationship between the appeal dwelling and adjacent houses in the group. Whilst there are taller buildings further along Southwick Place and Radnor place, these form part of a separate earlier development, coherent within themselves, to which the appeal dwelling does not directly relate.
9. Whilst the proposal would be incorporated into the existing building by replicating the existing architectural idiom, it would not reflect the existing bulk, massing and composition of the appeal dwelling, or the symmetry and hierarchy of scale of the wider 1930's development of which it forms part. As such the proposed additional floor would result in the appeal dwelling appearing bulky and unduly prominent and incongruous in relation to the existing coherent composition of the 1930's development. This would have a detrimental effect, on the local townscape by weakening its existing coherent and cohesive character.
10. For these reasons, I find that the proposed extension would result in significant harm to the character and appearance of the appeal building and fails to preserve or enhance the character and appearance of the CA. This would not accord with Policies 38, 39 and 40 of the City Plan 2019-2040 (2021), Policies D3 and HC1 of the London Plan (2021) and Sections 12 and 16 of the Framework. These collectively seek to ensure that development is of high quality design, having due regard to the importance of preserving or enhancing heritage assets.

Planning Balance and Conclusion

11. I find that harm to the character and appearance of the appeal dwelling would be substantial, although I find that the harm to the character and appearance and significance of the CA would be less than substantial. The proposed

¹ Planning Ref: 21/03919/FULL and 09/07920/FULL

additional floor would significantly increase the size of the appeal dwelling and improve amenity for occupiers. However, the proposed development would be of primarily private benefit.

12. I must give considerable importance and weight to the effect on the significance of the CA, in addition, I have given substantial weight to the effects on the character and appearance of the appeal dwelling. I consider that the harm I have identified would significantly and demonstrably outweigh the benefits of the proposal.
13. For the reasons given, I conclude that the appeal should be dismissed, and planning permission refused.

Victor Callister

INSPECTOR